

February 28, 2008



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 14630
(FIRST REVISION)

EXPIRATION DATE: January 31, 2010

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Dow Agrosciences, LLC
Indianapolis, IN
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of Division 6.1 liquid soil pesticide fumigants in certain non-DOT specification cargo tanks that are not authorized by the Hazardous Materials Regulations (HMR) for those materials. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.
 - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 172.302(a) and 172.504(a) in that requirements for marking the ID number and placarding are waived for one end of the tank; and § 173.243(b) in that use of a non-DOT specification cargo tank is not authorized except as specified herein.
5. BASIS: This special permit is based on the application of Dow Agrosciences LLC dated December 31, 2007 submitted in accordance with § 107.105 and the public proceeding thereon and additional information dated February 27, 2008.

February 28, 20086. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Hazardous Materials Description | | | |
|--|-----------------------------------|------------------------------|----------------------|
| Proper Shipping Name | Hazard Class/ Division | Identification Number | Packing Group |
| Pesticides, liquid, toxic, flammable, n.o.s. flash point not less than 23 degrees C | 6.1 | UN2903 | II |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT specification cargo tank, commonly called a nurse tank, designed and certified ("U" stamped) in accordance with Section VIII, Division 1 of the ASME Code. Each nurse tank authorized by this exemption must meet the following:

- (1) Minimum design pressure is 250 psig.
- (2) Maximum capacity is 2000 gallons.
- (3) The tank must be equipped with one or more self-closing pressure relief devices with set pressures as required by the ASME Code. Venting capacity must conform to the requirements of § 178.275(i).
- (4) No openings below the liquid level of the tank are permitted.
- (5) The tank must be securely mounted on a farm wagon or motor vehicle.

b. TESTING - Each tank must be tested and inspected in conformance with provisions of § 180.407 as applicable to DOT Specification MC 331 cargo tanks by persons meeting the requirements of § 180.409.

c. OPERATIONAL CONTROLS -

- (1) Transportation must be by private carrier.

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(2) Transportation is authorized only between grantee's distributor's locations, farms and/or application sites, not more than 150 miles from one another.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit may offer and/or transport the authorized hazardous materials provided the material is offered and transported in conformance with this special permit and the HMR, and the person is either:

(1) A farmer (including a farm employee or family member) and the transport is within 150 miles of the farmer's home, or

(2) An employee of a distributor of pesticides of the grantee and the transport is within 150 miles of the distributor's location.

b. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

c. The requirements for marking the ID number and placarding specified in §§ 172.302(a) and 172.504(a) are waived for one end of the tank if that end contains valves, fittings, regulators or gauges which would prevent the marking and placard from being properly placed and visible.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor Vehicle.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by this special permit.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

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- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Theodore L. Willke
Associate Administrator for Hazardous Materials Safety

February 28, 2008

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: LAVALLE